

# Notice of Allowability

Application No.

09/171,399

Examiner

Margaret Einsmann

Applicant(s)

SANO ET AL.

Art Unit

1751

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to amendment of 6/20/05.
2. ☐ The allowed claim(s) is/are 12 and 21-25.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Margaret Einsmann*  
Margaret Einsmann  
Primary Examiner  
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### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Applicant's amendment and remarks have mooted the rejections of record in the following manner.

The rejection of claims 12, 22-25 under 35 U.S.C. 103(a) as being unpatentable over Shepler et al, US 3,651,210 has been overcome because Shepler does not disclose the specific reaction modifiers as now claimed in claim 12 which all contain a polyethylene glycol moiety.

The rejection of claims 12, 22-25 under 35 U.S.C. 103(a) as being unpatentable over Denzinger et al., WO95/31576 has been overcome because Denzinger does not disclose the specific reaction modifiers as now claimed in claim 12 which all contain a polyethylene glycol moiety.

The rejection of Claims 12, 22-25 under 35 U.S.C. 103(a) as being unpatentable over Kroner et al., US 5,260,396 has been overcome because Kroner et al. does not disclose the specific reaction modifiers as now claimed in claim 12 which all contain a polyethylene glycol moiety.

The rejection of claims 12, 21 and 23 under 35 U.S.C. 103(a) as being obvious over Murakami et al., JP 07300770 has overcome because the translation from Patent Abstracts of Japan (which is included with this action) states on page 2 of 9 [0010] that the molecular weight of the collagen is about 300,000 which is clearly outside of the

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molecular weight of the protein, protein derivative or polysaccharide as claimed in claims 12 and claim 21.

The rejection of claims 12 and 22 under 35 U.S.C. 103(a) as being obvious over Otoi et al., JP 6-158545 has been overcome because the reaction modifier comprising aziridine groups has been deleted from the group of modifiers in claim 12.

The 112 second paragraph rejection and the objection to claim 12 have been overcome by applicant's amendments.

Accordingly, since all of the rejections of record have been overcome, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-W and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuesday, August 23, 2005

  
Margaret Einsmann  
Primary Examiner  
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